

SENATE BILL REPORT

ESHB 2592

As Reported by Senate Committee On:
Human Services & Corrections, February 23, 2012
Ways & Means, February 27, 2012

Title: An act relating to extended foster care services.

Brief Description: Concerning extended foster care services.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Haler, Carlyle, Hinkle, Reykdal, Pettigrew, Walsh, Wylie, Kagi, Darneille, Kelley, Kenney and Tharinger).

Brief History: Passed House: 2/10/12, 88-9.

Committee Activity: Human Services & Corrections: 2/16/12, 2/23/12 [DP, w/oRec].
Ways & Means: 2/27/12 [DP, DNP, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Carrell, Harper and McAuliffe.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Jennifer Strus (786-7316)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Parlette, Ranking Minority Member Capital; Baumgartner, Brown, Conway, Fraser, Harper, Hatfield, Hewitt, Keiser, Kohl-Welles, Regala, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senator Honeyford.

Minority Report: That it be referred without recommendation.

Signed by Senators Zarelli, Ranking Minority Member; Holmquist Newbry and Padden.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jenny Greenlee (786-7711)

Background: Foster Care to 21. For at least the past two decades, the Department of Social and Health Services (DSHS) has been authorized to provide continued foster care or group care for youth between the ages of 18 and 21 in order to support the youth's completion of high school or vocational school programs. In 2005 legislation was enacted authorizing DSHS to provide continuing foster care or group care for youth between the ages of 18 and 21 who are enrolled in postsecondary education or training programs.

The enacting legislation for Washington's Foster Care to 21 program provides that, beginning in 2006, DSHS was authorized to allow 50 youth to remain in foster care after reaching age 18. In addition to the first 50 youth, an additional 50 youth could also enter the program in 2007 and 2008.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (Act). In October 2008 the Act passed. The legislation includes a variety of provisions, both mandatory and permissive, intended to reform aspects of child welfare programs. Some of the changes took effect immediately and others are phased in over a period of years. DSHS has determined it can, for the time being, implement the mandatory provisions without a change in state law. One of the key changes permitted by the Act includes allowing states to use foster care funds to provide Foster Care to 21 placement services to youth engaged in a broader array of qualifying activities. The federal funding attached to this provision became available October 1, 2010.

Foster Care to 21 and Other Transitional Supports. In 2009 Engrossed Second Substitute House Bill 1961 was enacted; it clarified the Foster Care to 21 statutes to allow continued enrollment in the program, subject to the availability of appropriated funding. Under that bill, eligibility to remain in foster care or group care continued until the youth turned 21 years old if that youth adhered to program rules and remained enrolled in a postsecondary program.

Beginning October 1, 2010, the type of activities necessary to qualify for Foster Care to 21 was expanded to reflect the activities eligible for use of federal funds. DSHS is authorized to provide continued foster care or group care up to age 21, within amounts appropriated for this specific purpose, for youth who are:

- enrolled and participating in a postsecondary program;
- participating in a program to promote or reduce barriers to employment;
- working 80 or more hours per month; or
- incapable of participating in school, work, or other activities due to a medical condition supported with regularly updated information.

Extended Foster Care Services/Court Jurisdiction. In 2011 the Legislature established extended foster care services, which are defined as residential and other support services that DSHS is authorized to provide to foster children. When a child or youth in foster care reaches age 18, that child's parent or guardian is dismissed from the dependency proceeding. The dependency court must postpone the dismissal of the dependency petition in its entirety for six months after a child who is in foster care turns 18 years old and who, at the time the youth turns 18, is enrolled in a secondary education program or secondary education equivalency program. This six-month postponement allows time for the youth who is eligible

for extended foster care services to request extended foster care services after turning 18 years old. At the end of the six-month period, if the youth has not requested extended foster care services, the court must dismiss the dependency. After the youth turns 18 years old and before the youth requests DSHS to provide extended foster care services, DSHS is not required to supervise the youth's dependency.

As long as the youth continues to agree to participate in extended foster care services, the youth is under the care and placement authority of DSHS. The court must dismiss the dependency either at the request of the youth who has turned 18 years old or when the youth is no longer eligible to receive extended foster care services.

Summary of Bill: The Foster Care to 21 program must cease operations within three years of the effective date of this act. DSHS is authorized to provide extended foster care services to youth ages 18 to 21 so they can participate in or complete a postsecondary academic or postsecondary vocational education program. Under certain circumstances, youth who participate in extended foster care while completing a secondary education or equivalency program may continue to receive extended foster care to participate in a postsecondary educational or vocational program. The court cannot dismiss a dependency proceeding for a dependent child who, upon turning 18 years old, is enrolled in a postsecondary academic or vocational education program or who has applied for and can demonstrate intent to enroll in a timely manner. The court must dismiss the dependency by the end of the six month postponement if the youth has not requested extended foster care or is no longer eligible.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Human Services & Corrections): PRO: The purpose of this bill is to try to avoid problems that kids who age out of foster care face. Structured housing has been critical to the success of many foster children who age out. The focus of this bill is an education piece because it builds on what the Legislature did last year. The bill says that even though the dependency is not dismissed for the six months after the kid leaves foster care, the department does not have to provide services or supervise the case until the youth makes the ultimate decision to apply for the extended foster care program. This program will serve approximately the same number of youth as the current Foster Care to 21 program. While this program is an entitlement, there are ways to limit the number of youth who qualify and, thus, control costs. The bill is revenue neutral. This bill is essential to provide basic care and stability necessary for a foster youth to pursue postsecondary education until he or she turns 21. This program will prepare these youth for early adulthood and improve their chances for success.

OTHER: National and local research shows that extended foster care has great outcomes for youth and reduces the negative impacts aging out of foster care would normally have for many youth.

Persons Testifying (Human Services & Corrections): PRO: Representative Roberts, prime sponsor; Jim Theofelis, Samantha McDonald, Mockingbird Society.

OTHER: Patrick Dowd, Office of Family and Children's Ombudsman.

Staff Summary of Public Testimony (Ways & Means): PRO: The state funded Foster Care to 21 program is winding down. The state is moving into areas matched by federal dollars. The focus of the program is post-secondary education as well as a focus on stable housing. The bill provides that if the youth has not decided whether to participate in the program after he or she turns 18, the dependency case stays open for 6 months. During that time the department is not responsible for supervising the youth – as a result the bill is believed to be revenue neutral and not cost additional money. The bill continues the implementation of the federal Fostering Connections Act. Youth who leave foster care without stable housing generally have poor outcomes; this bill will assist in improving outcomes for a number of these youth.

Persons Testifying (Ways & Means): PRO: Representative Roberts, prime sponsor; Laurie Lippold, Children's Home Society, Mockingbird Society.